

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
April 19, 2017**

Name	Title	Present	Absent	Present	Absent
Board Committee					
Ashby, D.	Commissioner	X			
Bouyoukas, S.	Commissioner	X			
Gavgani, M. Z.	Commissioner/President	X			
Hardesty, J.	Commissioner	X			
Morgan, K.	Commissioner	X			
Oliver, B.	Commissioner	X			
Peters, R.	Commissioner	X			
Rochester, C.	Commissioner/Treasurer	X			
Roy, S.	Commissioner	X			
St. Cyr, II, Z. W.	Commissioner/Secretary	X			
Yankellow, E.	Commissioner	X			
Zagnit, B.	Commissioner	X			
Board Counsel					
Bethman, L.	Board Counsel	X			
Felter, B.	Staff Attorney	X			
Board Staff					
Speights-Napata, D.	Executive Director	X			
Fields, E.	Deputy Director of Operations	X			
Wu, Y.	Compliance Manager	X			
Page, A.	Executive Administrative Associate		X		
Seeds, J.	Public Information Coordinator	X			
Logan, B.	Legislation/Regulations Manager	X			

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
I. Executive Committee Report(s)	A.) M. Gavgani, Board President	<p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <ol style="list-style-type: none"> 1. M. Gavgani called the meeting to order at 9:30 AM. 2. M. Gavgani requested that Board commissioners introduce themselves and also informed guests that the meeting agenda and packet materials were available for review. She advised guests that all packets must be returned at the end of the meeting. 3. M. Gavgani reminded all guests to sign the guest log, indicating whether they would like continuing education credits. 	<p>2. M. Gavgani welcomed Brenda Oliver as a new Commissioner to the Board. She also acknowledged the service of Trinita Robinson, the outgoing Commissioner. The Board Compliance staff were also introduced.</p>	
	B.) Z. St, Cyr, II, Secretary	<ol style="list-style-type: none"> 4. Review and approval of the February 2017 Public Meeting Minutes. 	<p>4. Motion to approve by D. Ashby, 2nd by C. Rochester</p>	<p>4. The Board voted to approve this motion.</p>
II. A. Executive Director Report	D. Speights-Napata, Executive Director	<ol style="list-style-type: none"> 1. Operations Updates <ol style="list-style-type: none"> a. Over the Counter Contraception b. Drug Takeback Program 	<p>1a. DHMH Deputy Secretary for Public Health, Howard Haft, and Dean Heller from the University of Maryland requested Pharmacy Board consideration of a proposal to provide emergency contraception via vending machines on the college campus.</p> <p>1b. A discussion ensued on the state repository program and the appropriate</p>	<p>1a. The issue was deferred to the Board's Practice Committee.</p> <p>1b. An update will be provided at the May meeting.</p>

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		<p>c. Hearing for Mail Order Dispensing</p> <p>d. MPhA Request</p> <p>e. Distributor Renewal applications</p> <p>f. Inspection Report Presentation -N. Richard</p> <p>2. Meetings Updates</p> <p>a. Pharmacy Technician Consensus Conference- D. Ashby</p>	<p>role of the Pharmacy Board. Confusion was noted between “take back” programs and “repository” programs.</p> <p>1c. Request received from the Board of Physicians to have a Commissioner testify on the Board of Pharmacy’s position.</p> <p>1d. MPhA is requesting a joint sponsorship with the Board of a CE webinar on Medication Errors.</p> <p>1e. The renewal application is now online and available for electronic completion.</p> <p>1f. Inspector Nancy Richard provided an overview of the new mobile inspection capability recently procured by the Board and demonstrated the improvements over the old system.</p> <p>2a. Commissioner D. Ashby provided a summary of the conference, held February 16-17, 2017, and the Tech-Check-Tech initiative.</p>	<p>1c. The Pharmacy Board opposes provisions in the proposed regulation. Board Counsel will attend the hearing to represent the Pharmacy Board position.</p> <p>1d. Deferred to Public Relations Committee.</p>

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		b. Maryland Society of Health System Pharmacist (MSHSP) - D. Ashby	2b. D. Ashby provided a brief summary of the MSHSP meeting proceedings.																															
B. Operations Report	E. Fields, Deputy Director/ Operations	1. Administration and Public Support (APS) Unit Updates - Budget Report 2. Management Information Systems (MIS) Unit Updates <ul style="list-style-type: none"> a. Inspector Application Update b. Wholesale Distributor Tutorial 	1. E. Fields provided an overview of the FY 2017 budget actual and projected revenue and expenses. 2a. Brief follow-up on the earlier mobile inspection presentation. 2b. Wholesale Distributors now have website access to the tutorial.																															
C. Licensing	Y. Wu, Compliance Manager	1. Unit Updates 2. Monthly Statistics <table border="1"> <thead> <tr> <th>License Type</th><th>New</th><th>Renewed</th><th>Reinstated</th><th>Total</th></tr> </thead> <tbody> <tr> <td>Distributor</td><td>5</td><td>11</td><td>0</td><td>1,204</td></tr> <tr> <td>Pharmacy</td><td>23</td><td>0</td><td>1</td><td>2,089</td></tr> <tr> <td>Pharmacist</td><td>40</td><td>457</td><td>0</td><td>11,324</td></tr> <tr> <td>Vaccination</td><td>13</td><td>13</td><td>0</td><td>4,407</td></tr> <tr> <td>Pharmacy Intern - Graduates</td><td>4</td><td>0</td><td>0</td><td>42</td></tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	5	11	0	1,204	Pharmacy	23	0	1	2,089	Pharmacist	40	457	0	11,324	Vaccination	13	13	0	4,407	Pharmacy Intern - Graduates	4	0	0	42		
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		<table> <tr> <td>Pharmacy Intern - Students</td><td>38</td><td>24</td><td>0</td><td>866</td></tr> <tr> <td>Pharmacy Technician</td><td>131</td><td>235</td><td>6</td><td>9,721</td></tr> <tr> <td>TOTAL</td><td>255</td><td>740</td><td>7</td><td>29,704</td></tr> </table>	Pharmacy Intern - Students	38	24	0	866	Pharmacy Technician	131	235	6	9,721	TOTAL	255	740	7	29,704		
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D. Compliance	Y. Wu, Compliance Manager	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <p>Complaints & Investigations:</p> <p>New Complaints - 78 Resolved (Including Carryover) – 4 Actions within Goal – 2/2 Final disciplinary actions taken – 3 Summary Actions Taken – 1 Average days to complete - 50</p> <p>Inspections:</p> <p>Total - 157 Annual Inspections - 146 Opening Inspections - 5 Closing Inspections - 1 Relocation/Change of Ownership Inspections - 4 Board Special Investigation Inspections –1 Office of Controlled Substance Administration Closing Inspections – 2</p>																	
E. Legislation & Regulations	B. Logan, Legislation and	<u>Regulations:</u>																	

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	Regulations Manager	<p><u>1. COMAR 10.34.02.03 Examination English Proficiency</u></p> <p><u>2. COMAR 10.34.18.03 Continuing Education</u></p> <p><u>3. COMAR 10.34.37 Pharmacy Permit Holder Requirements — Wholesale Distribution and Non-Resident Pharmacy Operations</u></p> <p><u>Legislation:</u></p> <p><u>4. HB584 Investigational Drugs, Biological Products, and Devices - Right to Try Act</u> Cross Bill SB572</p> <p><u>5. HB613 Pharmacists - Contraceptives - Prescribing and Dispensing</u> Cross Bill SB363</p> <p><u>6. HB628 Secretaries of Principal Departments - Supervision and Review of Decisions and Actions by Units Within Departments</u> Cross Bill SB517</p> <p><u>7. HB988 Licensed Pharmacists - Risks of Opioid Addiction – Notifications</u></p> <p><u>8. HB1031 State Board of Pharmacy - Registered Pharmacy Technicians - Exemption for Pharmacy Students / Cross SB815</u></p> <p><u>9. HB1044 Oncologists - Dispensing and Insurance Coverage of Orally Administered Cancer Chemotherapy / Cross SB992</u></p>	<p>1. Motion to approve regulation.</p> <p>2. Motion to approve regulation.</p> <p>3. Motion to approve regulation.</p> <p>4. October 1, 2017 effective date.</p> <p>5. July 1, 2017 effective date.</p> <p>6. June 1, 2017 effective date.</p> <p>7. Letter of Concern submitted by the Board.</p> <p>8. Letter of Concern submitted by the Board.</p> <p>9. BOP wrote a Letter of Concern on this bill. It was withdrawn.</p>	<p>1. The Board voted to approve this motion.</p> <p>2. The Board voted to approve this motion.</p> <p>3. The Board voted to approve this motion.</p>

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		<p><u>10. HB1124 Health Occupations - Physician Assistants - Preparing and Dispensing Prescriptions</u></p> <p><u>11. HB1159 Pharmacists - Dispensing of Prescription Drugs - Single Dispensing of Dosage Units / Cross SB814</u></p> <p><u>12. HB1211 Health Care Providers - Opioid Prescriptions - Limitations and Requirements</u></p> <p><u>13. HB1262 Pharmacists - Administration of the Influenza Vaccination - Age Requirement / Cross SB1168</u></p> <p><u>14. HB1273 Pharmacists - Substitution and Dispensing of Biological Products / Cross SB997</u></p> <p><u>15. HB1379 Courts - Criminal and Civil Immunity - Prescribing, Dispensing, and Administering Opioid Antagonists</u></p> <p><u>16. HB1432 Health Care Providers - Prescription Opioids - Limits on Prescribing (The Prescriber Limits Act of 2017)</u></p> <p><u>17. SB110 Public Health - Expedited Partner Therapy - Trichomoniasis and Pharmacist Dispensing</u></p>	<p>10. Withdrawn</p> <p>11. Letter of Support submitted by the Board.</p> <p>12. Letter of Concern submitted by the Board.</p> <p>13. Letter of Support submitted by the Board.</p> <p>14. Letter of Support submitted by the Board. BOP must post list of drugs meeting the requirements of this legislation on its website.</p> <p>15. Letter of Support submitted by the Board.</p> <p>16. Letter of Concern submitted by the Board; bill requires pharmacists to use their professional judgement.</p> <p>17. This is a voluntary program; liability concerns were noted. October 1, 2017 is effective date.</p>	

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		<u>Federal Legislation</u> <u>18. Prescription Drug Importation Act</u> <u>19. Letter to Congress</u>	<p>18. This federal legislation would allow importation of drugs from certified Canadian distributors.</p> <p>19. The National Association of Boards of Pharmacy requests sign off on a letter to Congress opposing the proposed legislation.</p>	<p>19. The Board voted to approve sign-off on the letter to Congress in opposition to this proposed legislation. Two dissenting votes were recorded.</p>
III. Committee Reports A. Practice Committee	C. Rochester, Chair	<u>20. IFB Rehab Services</u>	<p>20. An update was provided on the status of the Board's effort to secure a new impaired provider/behavioral health services contractor for Maryland Pharmacists and Pharmacy Technicians. Committee moved to proceed with contracting effort, 2nd by S. Roy.</p>	<p>20. The Board voted to approve this motion.</p>
B. Licensing Committee	D. Ashby, Chair	<p>1. Review of Pharmacist Applications:</p> <p>a. D. Bernard - Reinstating applicant requested acceptance of her employment as an associate professor as pharmacy experience. The January Board meeting voted to deny the request.</p> <p>On January 30, 2017, the Board received a letter from Howard University stating that the applicant is licensed in DC, actively working as an associate professor, and has practiced as a Clinical Pharmacist at the Howard University Hospital Anticoagulation</p>	<p>1a. Motion by committee to approve, 2nd by D. Ashby.</p>	<p>1a. The Board voted to approve this motion.</p>

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		<p>Management Services since November 1999, where she continues her practice responsibilities. (Accidentally left off February agenda, ratify e-mail vote.) <u>Licensing Committee's Recommendation</u>: Approve</p> <p>b. R. Janabi - Applicant is requesting a waiver for the FPGEC certification. Applicant graduated from Al Ain University of Science and Technology located in United Arab Emirates with a Bachelor's degree in Pharmacy, in a program which lasted 4 ½ years. NABP has denied applicant's request to waive the FPGEC requirement due to the fact that applicant's Pharmacy school was not a 5 year program. <u>Licensing Committee's Recommendation</u>: Deny. RATIFY ONLY</p> <p>c. P. Rowan - Applicant is requesting refund for reciprocity application. Applicant originally applied for licensure in MD by reciprocity on January 27, 2017, but after numerous calls between NABP and the MD BOP, it was determined that applicant does not have the requisite 520 hours as a licensed Pharmacist. She then applied for licensure by examination on February 28, 2017. <u>Licensing Committee's Recommendation</u>: Deny</p>	<p>1b. Motion by committee to deny, 2nd by D. Ashby.</p> <p>1c. Motion by committee to deny, 2nd by D. Ashby.</p>	<p>1b. The Board voted to approve this motion.</p> <p>1c. The Board voted to approve this motion.</p>

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		<p>d. 109529 - Applicant is requesting permission to retake the NAPLEX exam. She has taken the exam five times and failed during a time which she describes as the worst time in her life. Applicant states that she has dedicated eight to ten hours a day studying and reviewing course videos and is confident that she can pass the exam. Applicant graduated from VA in 2012 and is not licensed in VA. <u>Licensing Committee's Recommendation:</u> Approve</p> <p>e. 107499 - Applicant is requesting authorization to retake the MPJE exam. She has failed the exam five times. Applicant states that she knows the material, but is unsure of how to apply it to the MPJE exam. Applicant graduated from Maine in 2016. <u>Licensing Committee's Recommendation:</u> Approve</p> <p>f. 107988 - Applicant is requesting to retake the MPJE exam. She has not been successful in the last five attempts at the exam. Applicant states that she has purchased the Maryland Law Book and other resources to help assist in her studies</p>	<p>1d. Motion by committee to approve, 2nd by D. Ashby.</p> <p>1e. Motion by committee to approve, 2nd by D. Ashby.</p> <p>1f. Motion by committee to approve, 2nd by D. Ashby.</p>	<p>1d. The Board voted to approve this motion.</p> <p>1e. The Board voted to approve this motion.</p> <p>1f. The Board voted to approve this motion.</p>

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		<p>for the retake. Applicant graduated from Wisconsin in 2016. She has active intern and technician registrations in Maryland that do not expire until 2018. <u>Licensing Committee's Recommendation:</u> Approve</p> <p>g. A. Weikel - Reinstatement applicant is requesting to have the 1,000 intern hour requirement waived. Applicant is not currently employed, but has worked as a chemical editor for the National Library of Medicine for the RXNorm national drug listing database from December of 2013 to July 2016. She also researched drug databases to collect information on drugs. Applicant's Maryland license #11513 expired on January 31, 1999. <u>Licensing Committee's Recommendation:</u> Deny</p> <p>2. Review of Pharmacy Intern Applications:</p> <p>a. O. Manfred - Intern is requesting a refund of his Technician renewal fee. Applicant was made aware that he could not have two concurrent registration applications after he had already renewed his Technician registration online. Applicant does not wish to keep his Pharmacy Technician registration. <u>Licensing Committee's Recommendation:</u> Deny</p>	<p>1g. Motion by committee to deny, 2nd by D. Ashby.</p> <p>2a. Motion by committee to deny, 2nd by D. Ashby.</p>	<p>1g. The Board voted to approve this motion.</p> <p>2a. The Board voted to approve this motion.</p>

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		<p>3. Review of Pharmacy Technician Applications: NONE</p> <p>4. Review of Distributor Applications: NONE</p> <p>5. Review of Pharmacy Applications: NONE</p> <p>6. Review of Pharmacy Technicians Training Programs: NONE</p> <p>7. New Business:</p> <p>a. Intern reinstatement application -The Licensing unit proposes to create an intern reinstatement application. <i>Licensing Committee's Recommendation:</i> Approve application. Can only reinstate within the first two years of expiration date and new expiration date will remain the same.</p> <p>b. Relocation Application Attachment - Creation of an attachment to be completed when a pharmacy is relocating. <i>Licensing Committee's Recommendation:</i> Approve</p> <p>c. M.Taub - Applicant is questioning if he would be able to directly sit for the NAPLEX and MPJE exam for Maryland with his credentials. Applicant is a licensed Pharmacist in</p>	<p>7a. Motion by committee to approve, 2nd by D. Ashby.</p> <p>7b. Motion by committee to approve, 2nd by D. Ashby.</p> <p>7c. Motion by committee to approve, 2nd by D. Ashby.</p>	<p>7a. The Board voted to approve this motion.</p> <p>7b. The Board voted to approve this motion.</p> <p>7c. The Board voted to approve this motion.</p>

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		<p>Canada. He is not licensed as a pharmacist in any US state. Applicant received his PharmD degree in August 2016 from a nontraditional program at the University of Colorado, which is ACPE accredited.</p> <p><u>Licensing Committee's Recommendation:</u> Approve</p> <p>d. D.Daoud - Applicant is a licensed pharmacist in Washington, DC as of March 9, 2017. He is requesting the Board use his 3,562 hours obtained as a technician in PA towards the 520 hours requirement to reciprocate to Maryland. PA does not issue license to technicians.</p> <p><u>Licensing Committee's Recommendation:</u> Deny</p> <p>KEVIN MORGAN RECUSED</p> <p>e. Two designated representatives - Are Wholesale Distributors allowed to have two Designated Representatives?</p> <p><u>Licensing Committee's Recommendation:</u> Approve</p> <p>f. Nova Southeastern University College of Pharmacy - Nova Southeastern University College of Pharmacy would like to know if their foreign student graduates would need to have FPGEC.</p>	<p>7d. Motion by committee to deny, 2nd by D. Ashby.</p> <p>7e. Motion by committee to approve response that more than one designated representative is allowable, provided that all designated representatives comply with the requisite application procedures, 2nd by D. Ashby.</p> <p>7f. Motion by committee to approve proposed response, 2nd by D. Ashby.</p>	<p>7d. The Board voted to approve this motion.</p> <p>7e. The Board voted to approve this motion.</p> <p>7f. The Board voted to approve this motion.</p>

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		<p>ACPE representative, Lisa Howell confirmed that Nova Southeastern's program is ACPE accredited. <u>Licensing Committee's Recommendation:</u> Letter stating that FPGEC is not required if students graduated with PharmD degree from an ACPE accredited school.</p> <p>g. Technician renewal - If a technician obtained an initial registration through PTCB, would there be a need to have a current PTCB certification in order to renew a MD BOP technician registration? <u>Licensing Committee's Recommendation:</u> Do not need to renew a PTCB in order to renew a MD BOP tech registration.</p> <p>h. Board's approval for immunization training received through ACPE accredited pharmacy schools in the United States. <u>Licensing Committee's Recommendation:</u> In 2016, PharmD. Programs have standards to include training for immunizations. If applicant has documentation from their school of their completion, this would be comparable to the APHA-approved program</p>	<p>7g. Motion by committee to approve proposed response, 2nd by D. Ashby.</p> <p>7h. Motion by committee to approve proposed response, 2nd by D. Ashby.</p>	<p>7g. The Board voted to approve this motion.</p> <p>7h. The Board voted to approve this motion.</p>

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C. Public Relations Committee	B. Zagnit, Chair	Public Relations Updates	The quarterly Newsletter has been issued. The number of pages in the Newsletter is increasing. Concern was raised on whether Pharmacists and Techs are reading it. Providing a CE credit for reading the Newsletter was discussed as an incentive to increase readership. The program, "Constant Contact," was briefly mentioned as an alternate means of getting information out to Licensees, Registrants, and Permit holders.	The PR Committee will discuss the CE incentive matter at its next meeting and report back at the Board's meeting in May.
D. Disciplinary	K. Morgan, Chair	<p>Disciplinary Committee Update</p> <p>1. COMAR 10.34.05.05 C (Security Responsibility) states that the permit holder is responsible for reporting <u>THEFT</u> of prescription drugs or devices to the:</p> <ol style="list-style-type: none"> 1. Board 2. Local police 3. Division of Drug Control and 4. DEA <p>Would like to change the word "Theft" to "Significant Loss" or "Unauthorized Loss"</p> <p>Note: DDC has changed its name to OCSA Office of Controlled Substance Administration.</p> <p><u>Disciplinary Committee's Recommendation:</u> Approve changing the word "Theft" to "Significant Loss"</p>	<p>1. After a brief discussion, the Committee recommended changing the preferred regulatory language to,</p> <p>"...theft or significant loss of prescription..."</p> <p>2nd by D. Ashby</p>	<p>1. The Board voted to approve this motion.</p>

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E. Emergency Preparedness Task Force	S. Roy, Chair	Emergency Preparedness Update:	S. Roy provided a presentation on the Emergency Preparedness Task Force mission.	
IV. Other Business & FYI	M. Gavgani, President		Medical cannabis was briefly discussed.	
V. Adjournment	M. Gavgani, President	<p>M. Gavgani asked for a motion to close the Public Meeting and open a Closed Public Session at 12:40 P.M.</p> <p>M. Gavgani convened a Closed Public Session for the purpose of engaging in medical review committee deliberations regarding confidential information in applications in accordance with the Open Meetings Act, General Provisions Article, Section 3-305 (b) (7) and (13).</p> <p>The Closed Public Session was adjourned and, immediately thereafter, M. Gavgani convened an Administrative Session for purposes of discussing confidential disciplinary cases.</p> <p>With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.</p>	Motion to close the April 2017 Public Board Meeting by Z. St. Cyr, II, 2 nd by S. Roy.	The Board voted to approve this motion.